

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

December 14-15, 2000

The Idaho Transportation Board met at 8:30 AM, on Thursday, December 14, at the Idaho Transportation Department, Boise, for a pre-meeting review of the agenda. Chairman Winder called the meeting to order at 8:45 AM. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member - District 4

Neil Miller, Member – District 5

Sue S. Higgins, Secretary to the Board

Dwight Bower, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

November 16-17, 2000 Board Minutes. Member Sweeney made a motion, seconded by Member Miller, to approve the minutes of the Board meeting held on November 16-17, 2000 as submitted. The motion passed unanimously.

Board Meeting Dates. The following meeting dates and locations were scheduled:

January 18-19, 2001 – Boise

February 15-16, 2001 – Boise

March 15-16, 2001 – Boise

Consent Calendar. Vice Chairman Combo made a motion, seconded by Member Sweeney, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Transportation Board approves the US-95 consultant services request, District 1; and

TB00-88 has received and reviewed the contract award information, the new and supplemental professional agreements report, the speed minute entry changes, the annual report on outdoor advertising sign status, and the October financial analysis.

1) Consultant Services, US-95, Westmond Bridge Replacement, District 1. The Westmond Bridge replacement project is scheduled for construction in FY01 in the State Bridge and National Highway System Programs at an estimated cost of \$3,650,000. A term agreement was negotiated with HNTB for \$167,200 in June 1999 to develop a concept and perform preliminary engineering. In order to meet the project schedule, staff is proposing to have HNTB complete the project through final design at a projected cost of \$280,000. HNTB is best suited to continue the design of the project because of its familiarity of and prior work on the project.

2) Contract Award Information. Key #8300, US-20, Madison County Line to Junction SH-33, District 6. Low bidder: Multiple Concrete Enterprises - \$125,772.

3) New and Supplemental Professional Agreements Report. From October 31 to November 28, the Consultant Administration Unit processed \$6,253,250 in new and supplemental agreements.

4) Speed Minute Entry Change. District 2 conducted a speed study on US-95 within the city limits of Moscow. This area has experienced growth over the last couple of years due to commercial and residential development. Staff recommended extending the existing 45 mile-per-hour speed limit from milepost 345.96 to 346.6.

5) Outdoor Advertising Sign Status Report. As of September 30, 2000, 52 illegal signs and 114 non-conforming signs remain throughout the state. This compares with 48 and 98 signs respectively in September 1999.

6) Financial Statement. Actual year-to-date revenues in the Highway Distribution Account exceeded the forecast by \$1.7 million while revenues in the State Aeronautics Fund were down \$11,760 based on the revised forecast. Expenditures are below projections to date in all categories except personnel in the State Aeronautics' Fund and facilities in the State Highway Fund. The latter variance is due to projects being completed earlier than anticipated.

Quarterly Report on Legal Actions. This report included cases disposed of by staff during the quarter, along with the status of various other cases. Member McHugh asked for additional information on the Harvey case in District 2. DAG Bywater reported that this property on Lewiston Hill had been involved in a dispute for some time over the location of a radio transmitter. The property was sold at a public auction. Mr. Harvey was the successful bidder, resulting in the resolution of the case. The support cable will be removed from ITD property within one year of the sale and a bond has been posted to guarantee the removal.

Board Items. Vice Chairman Combo attended the recent American Association of State Highway and Transportation Officials (AASHTO) meeting in Indianapolis, IN. He reported on the various activities and meetings that took place, including a five state coalition meeting and one for boards and commissions. He believes it was a worthwhile conference and beneficial for him to attend. He also reported that Director Bower was the recipient of the AASHTO President's Award. Public Affairs Officer Jeff Stratten and his staff prepared an excellent video on Director Bower's career for the AASHTO award presentation. The Board members congratulated Director Bower for receiving this national award. Director Bower said he was very honored to receive the award.

Member Blick informed the Board that the Shoshone School District Superintendent is concerned with pedestrians' safety near the school. The school is located on SH-24 near US-93 and students walk along this narrow highway. Member Blick believes District Engineer Devin Rigby is aware of the safety concerns, but wanted to inform the Board of this issue.

The Department prepared a letter to the City of Malad informing it that the Board approved its Enhancement project. Member Miller had the opportunity to deliver the letter to Ruth Zivkovic, who appeared before the Board in June to inform the Board of the city's greenbelt landscaping project and encourage it to fund the project. Member Miller reported that Ms. Zivkovic was extremely pleased with the Board's decision and the community is very appreciative of the project.

Member McHugh expressed appreciation to the Department for installing rumble strips in recent projects. He believes the rumble strips are valuable and should be installed whenever possible. CE Ross agreed that rumble strips are beneficial and provide a valuable safety feature. The Board asked for a briefing on rumble strips, such as the cost and safety impacts.

Director's Items. Director Bower elaborated on the recent AASHTO meetings and thanked Vice Chairman Combo for attending. The main focus of the five state coalition meeting was reauthorization. A WASHTO delegation met. It was reported that WASHTO is in sound financial shape and will be providing awards to teams involved in quality and innovation. At a meeting with FHWA Administrator Ken Wykle, Director Bower thanked him for the emergency relief funding. The Clark Fork Bridge and other projects were also discussed. Director Bower expressed appreciation to CE Ross for his work on the task force established to review funding for forest service roads not on the federal aid system. The task force prepared a resolution that was approved at AASHTO. Director Bower said that Assistant Chief Engineer – Development Steve Hutchinson and DE Rigby also attended the AASHTO conference.

Director Bower reported that he has been participating in the Governor's Substance Abuse Task Force. The group should have a recommendation to Governor Kempthorne soon on addressing substance abuse statewide.

Director Bower was recently interviewed by Brad Fullmer with "Intermountain Contractor", published in Salt Lake City, Utah. The article, along with photographs, featuring some of ITD's activities and projects will most likely appear in the February issue.

The Governor held a reception for his cabinet members recently. Governor Kempthorne was very complimentary of ITD and its employees. He believes the Department has a vital role in the state and he is pleased with the direction the Department has taken.

In conclusion, Director Bower said he will be attending the CANAMEX meeting in Arizona on January 11 and 12.

Briefing of ITD Presentations to the 2001 Legislature. Mary Detmar, Budget, Policy, and Intergovernmental Relations Manager (BPIRM), reported that staff is preparing for a number of legislative presentations early next year. On January 4, Director Bower will report to the Economic Outlook and Revenue Assessment Committee pertinent financial information and compare the revenue trend for the Highway Distribution Account to that of the General Fund.

The date for the Department's FY01 budget supplemental request in the amount of \$471,900 has not been confirmed, but is scheduled on either January 15 or 16. On January 18, Director Bower and staff will cover funding issues and will highlight how ITD serves its customers at the annual presentation to the House and Senate Transportation Committees. The last presentation will be the Department's FY02 budget hearing to the Joint Finance and Appropriations Committee (JFAC) on February 8. BPIRM Detmar also provided committee assignments for the transportation committees and JFAC. She concluded by stating the germane committee chairs will have an opportunity to address JFAC on their agencies' budget.

Incident Management in the Treasure Valley, District 3. Assistant District 3 Engineer (ADE) Jeff Miles said staff works closely with law enforcement, emergency services, state emergency communications, and others along the I-84 corridor in Canyon and Ada Counties to address traffic incidents proactively. The emphasis of incident management has been to provide expeditious clearance of accident scenes and safely restore traffic flow as soon as possible; provide orderly and safe management of incidents until they have been remediated; and to continuously assess and improve the performance of the multi-agency incident response efforts. ADE Miles said the incident response group meets quarterly, plus after incidents to review how those were handled, and is developing a memorandum of understanding. Improving and promoting communication is one of the team's goals.

Maintenance Engineer Dave Jones elaborated on the activities occurring statewide. Incident management is not limited to the accident site, but also includes the surrounding area impacted by the incident. Additionally, incident management is not only implemented for vehicle crashes, but other causes such as rocks on the highway, law enforcement incidents, and blizzards or mud slides resulting in road closures. A statewide team is addressing incident management and District 4 has developed a rural plan for SH-75 between Bellevue and Ketchum.

The Board thanked Messrs. Miles and Jones for the informative presentation.

Inmate Labor Program. Volunteer Services Coordinator Sherie Sweaney provided background on the partnership established with the Department of Corrections in 1990 to utilize inmate labor in District 3. The program has since been expanded to Districts 2, 5, and 6. In FY00 102,000 inmate labor hours were utilized statewide for activities such as building and yard maintenance, litter control, traffic control, and vegetation management. The total cost of the program last year was \$433,000, which included tool rental, transportation costs, meals, and labor hours. The market value for the roadside maintenance alone would have been \$1.2 million.

Member Sweeney asked if this program is strictly for the prison system or if inmates in the county system participate. Bona Miller, Administrator of Prisons Division at the Department of Corrections, responded that this program is strictly for the prison system, however, some counties have their own program. In response to Member McClure's question on the type of prisoners that participate in the inmate labor program and how those participants are selected, Ms. Miller said that inmates that request to participate are screened closely. Inmates serving time for violent crimes are considered if they are close to parole, but no sex offenders are allowed in the program. Member McClure asked if any prisoners have walked away while participating in the program or were removed from the program. Ms. Miller did not have data on escapes, but said it does not happen often. She also stated that there are inmate labor programs with other state agencies, not only ITD. Ms. Sweaney added that the Department of Corrections provides training to ITD personnel involved in this program and Ms. Miller stated that part of ITD's costs help fund correctional officers to supervise the work crews.

Vice Chairman Combo believes the program is beneficial to the inmates as well as ITD. He asked if the Department of Corrections has statistics on inmates that participate in the labor program then are employed in the same trades once they leave the prison system. Ms. Miller replied that it is hard to obtain and track that data, but she believes a lot of

inmates are employed in the trades learned in this program when they leave the system because it is what they know and have experience in. In addition to learning a trade, these inmates are also taught good work habits and how to work with others, which are valuable tools that a number of inmates lack. In response to Member Blick's question on a time limit for prisoners to participate in the program, Ms. Miller said the custody level and behavior of the inmates determines who is in the program and the duration. Inmates can participate in the program as long as they do not create problems. She believes the average time is one to one and a half years, but said an inmate could be in the program for three or four years.

CE Ross expressed support for the inmate labor program. It is a valuable program and beneficial to ITD, as the Department does not have the resources to perform or contract out the work the prisoners perform.

Chairman Winder thanked Ms. Sweaney and Ms. Miller for the presentation and their efforts on the inmate labor program.

Inactive Project Traffic Control. Assistant Chief Engineer – Operations (ACE-O) Clayton Sullivan responded to an earlier inquiry regarding the practice of leaving construction signs in place and lane closures in effect when no construction activity is occurring. He reported that ITD follows the Manual on Uniform Traffic Control Devices (MUTCD) for regulations and guidance on traffic control. Contractors are required to observe and comply with all applicable laws and regulations and to provide, erect, and maintain required traffic control according to the contract specifications. All traffic control devices shall conform to the current MUTCD. The Division of Highways' memorandum emphasizes public convenience and reaffirms the need to have traffic control operations that maximize the convenience of the traveling public.

The Department has undertaken steps to help oversee traffic control activity at construction sites. All employees responsible for traffic control supervision must be trained and certified, and contractors are to provide a certified worksite traffic control supervisor on all projects involving traffic control. ACE-O Sullivan added that the contractor's personnel and the Resident Engineer's personnel are required to perform routine inspections, and periodic spot inspections by the District Traffic Engineer are recommended at least once per month. Headquarters' Construction staff also performs periodic inspections. He believes adequate training requirements along with written guidance and policies exist to address traffic control at construction sites, but added that staff needs to be reminded occasionally to be cognizant of this issue.

Vice Chairman Combo said the incoming president of AASHTO addressed this issue. It is a concern nationwide and will be a focus area for AASHTO. Member McClure said he noticed automated traffic controls recently, both in Europe and Idaho, and asked if the Department is going to use more automation and if so, if the traffic controls will be timed or based on traffic. ACE-O Sullivan responded that ITD will use more automation and that technology is available to use actuated controls.

The Board thanked ACE-O Sullivan for the report.

Contract Award. The low bid for project STP-2390(118), BR-2392(036), and STP-2390(130), keys 6497, 3305, and 7622 – Intersection Alturas Drive to Timber Way, Big Wood River Bridge at Greenhorn, and East Fork Road Bike Tunnel, SH-75, Blaine County, District 4, was more than ten percent over the engineer's estimate, requiring justification. Review of the bids indicate the significant cost differences are in removal of bridge, excavation, plantmix pavement class I, traffic signal installation, survey, dewatering foundation, portable concrete guardrail, impact attenuator, and mobilization. Some costs can be assigned to risks associated with the complex construction and working in a high traffic environment and also to minor cost differences on high volume items. Staff does not anticipate a significant or definable savings from rebidding the project and recommends awarding the bid.

Member McClure made a motion to award the bid on project STP-2390(118), BR-2392(036), and STP-2390(130), keys 6497, 3305, and 7622 to the low bidder: Nelson Construction Company, Boise, Idaho - \$5,683,575.17. Vice Chairman Combo seconded the motion and it passed unopposed.

Video Presentation. PAO Stratten showed the video prepared for the AASHTO President's Award presentation to Director Bower, focusing on his career highlights. The Board commended Mr. Stratten for the excellent video.

Lunch with the Driver Services Section. The employees of the Division of Motor Vehicles Driver Services Section invited the Board members to their annual holiday luncheon. The Board appreciated the luncheon invitation and enjoyed visiting with the employees.

Delegation – City of Buhl. Buhl Mayor Barbara Gietzen thanked the Board members for their time. She expressed support for Buhl's downtown revitalization project, reported that a Local Improvement District (LID) has been developed, and reminded the Board that Broadway (US-30) is part of a scenic byway. Pat Hamilton, chairman of the downtown revitalization plan, stated that timing is crucial and the community is ready for the project.

Mike Pepper, consultant, elaborated on the project, which includes resurfacing Broadway and Main Street, curb, gutter, sidewalk, a storm drain system, and lighting. The project has been a community-wide planning effort with several partners involved and a number of funding sources. In addition to the LID, the city has committed funds, ITD has a project programmed in FY04, and an application for a community development block grant has been submitted. Mr. Pepper requested Board consideration to advance ITD's US-30 pavement rehabilitation project for \$880,000 to FY03, which would allow for better coordination with other funding and the city's overall plan.

Jan Blickenstaff with the Department of Commerce reported that the City of Buhl's block grant request is being reviewed. He believes it is a good project and will be favorably considered for funding. A decision should be made in April and the funds would be available shortly thereafter. He also believes it would be beneficial for ITD to advance its US-30 project to coincide with Buhl's project.

Member Blick asked if DE Rigby is aware of Buhl's request and if he may be able to delay another project to advance this one. Mr. Pepper said the city has been working closely with the district staff. Although DE Rigby did not have a specific project to delay at this time, he mentioned that delays often occur and other funding sources, particularly from savings, may become available. Member Sweeney asked if the city has a contingency plan if the block grant is not approved. Mr. Pepper responded that the city would apply for Enhancement funds again. Its earlier Enhancement application was not approved for funding. Additionally, the project would be revisited and probably scaled down.

Chairman Winder said the Board would take the City of Buhl's presentation under advisement. He asked staff to review the request to advance the US-30 project to FY03 and report back to the Board.

Delegation – Dale Riedesel, Buhl to Wendell Corridor Study. Mr. Riedesel presented the Buhl to Wendell Corridor Study Final Report. The report has received good comments and is in compliance with the Memorandum of Understanding established with the impacted local entities and ITD. The purpose of the study was to determine the most feasible alignment to extend SH-46 from Wendell to Buhl. The primary goals were to preserve quality farmland and farming operations, support access to Buhl, and to provide a safe and efficient roadway. Extensive public involvement was included in the process. Numerous alternate routes were considered with extensive screening criteria for the routes, followed by the selection of a recommended alternate. Mr. Riedesel said the NEPA process is the next step, including developing the scope of work, identifying the funding sources, conducting the NEPA process, and finalizing a preferred alignment. The NEPA process is estimated at \$480,000, although \$215,000 is currently programmed in the STIP for FY01 for this project and approximately \$40,000 is left from the corridor planning budget.

Vice Chairman Combo stated that this project has a long history and is important to the community. He supports proceeding with the NEPA process. Chairman Winder concurred and asked staff to look at possible funding sources.

In response to Director Bower's question on the estimated funding range for the most feasible route, Mr. Riedesel responded that the total costs for all options would be \$20 to \$25 million. Vice Chairman Combo asked about the time sequence and if the environmental assessment (EA) would have to be reviewed in the future. Mr. Riedesel believes the NEPA process would take 12 to 18 months. Following that process, the alignment would be defined and right-of-way secured. It is assumed ITD would then take jurisdiction of the route and develop it to state standards. Although there is no specified timeframe, there is the possibility that the EA would need to be reviewed.

Member McHugh questioned the possibility of bypassing Buhl. Mr. Pepper reported that the public involvement comments favored a route through Buhl. The public wants access to Buhl and the analysis indicates Buhl is the destination of the majority of traffic.

Chairman Winder thanked Mr. Riedesel for the report and for his efforts on this issue.

Overview of Section 4(f) Process. Environmental Section Manager Dennis Clark summarized the requirements of Section 4(f) of the Department of Transportation Act of

1966 regarding the policy on lands, wildlife and waterfowl refuges and historic sites. He elaborated on the historic sites designation and archeological resources. Mr. Clark contacted several other states regarding their interpretation and compliance with the 4(f) process. Although the other states indicated the process is timely and costly, they comply with the requirements. Mr. Clark also shared results from a recent AASHTO survey indicating projects that require a categorical exclusion or EA under the National Environmental Policy Act (NEPA) are acknowledged to have minimal environmental impacts, yet in many instances can create significant delays in completing these related reviews and permitting requirements. The Section 4(f) process was identified as one of the most significant causes of delay for categorical exclusions and EAs.

Director Bower reported that the AASHTO Board passed resolutions encouraging work on the integration of the 106, Historical Preservation Act, and 4(f) process. There appears to be a growing recognition of the concerns associated with this issue and the need for reform. Member Blick supported efforts to change the law or allow an appeal process.

Initially, DAG Bywater thought it would be reasonable to attempt to change the law, however, after extensive research, he is not convinced. He believes ITD is interpreting and addressing the law appropriately and has taken a proactive approach. The courts have construed the laws strictly and FHWA has established rather stringent regulatory standards under the law. However, there are still many interests in the country that believe the law has too many loopholes they would like to see Congress close. If the law were opened up for amendments by transportation interests, it is very possible that these other interests could succeed in making the law even more restrictive.

Member McHugh suggested the Board adopt the same resolutions passed at AASHTO. FHWA Division Administrator Steve Moreno informed the Board that all US. Department of Transportation projects must comply with these requirements, not only highway projects, but also aviation and public transportation projects.

Chairman Winder thanked Mr. Clark for the overview of this important issue.

Statewide Intelligent Transportation Systems (ITS) Strategic Plan. Consultant Fred Kitchener reported that the statewide ITS planning efforts have been completed. The benefits of the plan will include improved highway safety, increased transportation

efficiency, and decreased congestion and travel delays. Specific projects have been identified and some discussion has occurred on the implementation process. A variety of 162 short-, medium-, and long-term projects have been identified over a 20-year period, ranging from enhanced traveler information to commercial vehicle administration to maintenance operations efficiencies. Potential funding sources were identified, including TEA-21, Federal Transit Administration, special earmarks, state, and local. Mr. Kitchener concluded by stating the next steps are to distribute the plan, begin implementation, pursue funding, continue coordinating with neighboring states, and continue participating in the national program.

CE Ross endorsed the plan and believes good projects have been identified. He added that some of these projects can be incorporated into existing projects in the Highway Development Program and that staff will consider the Statewide ITS Strategic Plan when developing other projects.

Member Blick made a motion, seconded by Member McClure, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Department commissioned the development of an Intelligent Transportation Systems (ITS) planning

TB00-89 effort to determine the application of various technology options to directly address transportation needs throughout the State of Idaho; and

WHEREAS, an ITS Plan already exists for the Treasure Valley and therefore the Statewide ITS Strategic Plan explicitly omits this metropolitan area; and

WHEREAS, the Idaho Statewide ITS Strategic Plan identifies specific projects for deployment consideration adding to the transportation professional's toolbox of options and not a dictate of must-implement projects; and

WHEREAS, although endorsement of the Plan does not obligate ITD to program the projects, planned time frames are identified for each of these

projects as a planning tool and they will be incorporated into the STIP whenever possible and appropriate; and

WHEREAS, although no additional funds are necessarily available for these projects, in many cases they hold the promise of a more cost-effective means of addressing transportation needs throughout the State of Idaho.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board endorses the Idaho Statewide ITS Strategic Plan as a planning document for appropriate incorporation of ITS technologies by staff into future projects and those currently included in the STIP.

Chairman Winder expressed support for the plan and believes ITS is beneficial. He commended Mr. Kitchener and staff for their continued efforts in this important arena.

Recommendations on Proceeding with Automated Enforcement. Acting Traffic Engineer Lance Johnson elaborated on the serious issue of motorists deliberately running red lights. This violation is becoming more common and creates a real safety concern. A national study found that urban crashes involving signal violations are the most likely to cause injuries. From 1995 through 1999, there were 3,434 crashes in Idaho that involved red light running. Ada County, and particularly the City of Boise, has the largest problem with this type of violation, with Boise responsible for 40% of the statewide total of red light running crashes, and these incidents are increasing.

Mr. Johnson reported on camera technology that has helped other areas address red light running violations. Red light cameras automatically photograph the driver and/or license plates of vehicles driven through red lights. The cameras, connected to the traffic signal and to sensors buried in the roadway, are triggered to photograph vehicles passing over the sensors after a light has been red for a predetermined time, so only unequivocal violations are recorded. The goal of a red light running project should be to significantly reduce the number of violations and crashes community-wide versus just at a particular intersection. Installing empty camera housings at the problem locations and moving the cameras periodically from one intersection to another is one cost effective means of addressing a community's red light running problem. Advertising is vital to achieving a reduction in red light running violations and crashes.

Mr. Johnson summarized other states' and municipalities' experience with red light cameras. He emphasized that public support is critical for a successful red light running program, along with a partnership with local government and law enforcement officials. Other components of developing a program include determining the best equipment for the area, identifying funding sources, and resolving legal issues. An extensive project development process to follow if an automated enforcement project is pursued was presented.

Member Sweeney questioned the criteria for a red light running program. Mr. Johnson replied that it has to be an obvious, blatant violation. The traffic signal would be red before the vehicle enters the intersection. Director Bower asked if a city could implement a red light running program on its own or if it would need legislation. Mr. Johnson reported that a city in Arizona implemented its own program, however, the legality of that program is now being challenged. DAG Bywater does not believe a municipality in Idaho could implement a program without state legislation.

Member McHugh made a motion, seconded by Member Miller, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Department supports initiatives that enhance traffic safety; and

TB00-90

WHEREAS, automated enforcement technologies exist that may reduce collision rates associated with drivers violating red traffic signal indications; and

WHEREAS, studies have shown that red light running technologies may substantially decrease collision rates in cities that utilize this technology.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board authorizes staff to form coalitions with interested city and county agencies to study the feasibility of utilizing red light running technologies and addressing the associated legal and financial issues and funding options for a possible future project.

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Additional Legislative Presentations. BPIRM Detmar informed the Board of Senate Transportation Committee Chairman Evan Frasure's request for three budget briefings prior to him addressing JFAC on behalf of the Department's budget request. These sessions will include an overview of the budget, full time equivalent positions, and goals and objectives of the various divisions.

Executive Session on Legal Issues, Section 67-2345(1)(f), Idaho Code. Member McClure made a motion to meet in executive session at 4:15 PM to consider and advise the Board's legal representative in a matter where there is a general public awareness of probable litigation. Member McHugh seconded the motion and it passed unanimously.

The general tenor of the session was a discussion of probable litigation involving the Department regarding the actions of a contractor. The Board came out of executive session at 4:55 PM. No decisions were made.

WHEREUPON the meeting recessed at 4:55 PM.

December 15, 2000

The Transportation Board meeting reconvened at 8:30 AM on Friday, December 15 at the Transportation Department in Boise. All members were present except Chairman Winder.

Tour of Operations Annex. The Board members toured the annex building and visited with employees of the Division of Highways.

The meeting resumed in the auditorium at 10 AM with Chairman Winder presiding.

Discussion on Planning Session. The Board members discussed the planning session scheduled on February 16 and suggested topics for the agenda.

Coordination Demonstration Project. Public Transportation Administrator (PTA) Larry Falkner summarized the development of a pilot project to have a single, coordinated public transportation system in a given area for all public transportation services. The Public Transportation Advisory Council (PTAC) and the Interagency Working Group have partnered with ITD to sponsor this coordination demonstration project, which will be tested in Pocatello. PTAC Chairman General James Brooks elaborated on the pilot project. He believes it will be a successful project if a single public transportation services provider is willing to be the one-stop shop for the required services. This provider must either provide the needed services or arrange for the services requested through another provider. Social services and other agencies must be willing to use the single provider, and there must be a willingness for the users to pay their fair share of the costs.

General Brooks said the demonstration project will be implemented in either July or October, depending on Pocatello Regional Transit's budgeting requirements, and he outlined the 12-step approach identified for the project. The project will be monitored and adjustments made as necessary, and a report prepared for the groups involved. PTA Falkner added that the Department will also keep JFAC apprised of the project, as required in Idaho Code.

Chairman Winder thanked General Brooks for the presentation and particularly for his service to the state and continued efforts on behalf of public transportation.

Delegation – City of St. Maries. George Currier, St. Maries Downtown Revitalization Manager, thanked the Board for its time and elaborated on the city's plans to improve downtown. The city has been making improvements the past several years as its resources allowed. The city is now focusing on SH-5, or Main Street. The business owners are willing to provide assistance, and some have already replaced sidewalks. An LID is being considered for water and sewer projects and a request for a community development block grant has been submitted to the Department of Commerce. The city is requesting \$695,000 from ITD for surface improvements on SH-5 plus curb, gutter, and sidewalk in FY01.

Member McHugh expressed concern with projects running over budget. He asked if the city will cover additional expenses or if it would ask ITD for additional funds for overages. Benewah County Commissioner Jack Buell believes the county and city would provide funding for additional costs.

Chairman Winder questioned the status of the community development block grant. Mr. Currier replied that the Department of Commerce is reviewing the city's application and a decision should be made in March. He added that if those funds are approved, they would be available during state FY02 if ITD was able to fund a SH-5 project in FY02 instead of FY01.

The consensus of the Board was to have staff review the City of St. Maries' request and determine if funding is available for the SH-5 project. Chairman Winder added that he spoke at the recent Idaho Rural Partnership conference. They emphasized the importance of ITD to the small, rural communities with projects such as this. They

acknowledged and extended appreciation to ITD for its assistance to communities. He believes St. Maries' revitalization project is another good project and encouraged staff to identify funding options for it.

Director Bower noted that there are several projects programmed in St. Maries in the Highway Development Program, including an Enhancement project in FY02. He asked staff to review the planned projects and consider combining or re-scheduling some projects to provide a better construction schedule for the city.

Chairman Winder thanked the St. Maries delegation for the presentation and encouraged the officials to continue working with DE Scott Stokes as well as Member McHugh on their transportation issues.

Old/New Business. The Department's difficulty in retaining and recruiting qualified employees continues to be a concern to Member Sweeney. Although it is partly a legislative issue, he asked if there is something the Board can do. Chairman Winder does not believe this is strictly an ITD issue, but rather a statewide problem and concurred that the issue needs to be addressed.

Director Bower reported that the Department continues to encourage the establishment of multiple pay lines as one means to address the salary issue. He will compile information on the Department's efforts on the state's compensation package for the Board to submit to the Governor's Office.

Director Bower distributed two resolutions addressing the 4(f) requirements that were approved at the recent AASHTO meeting. Because of time constraints, the Board decided to revisit this issue later. (See later minute entry.)

Delegation – Motor Carrier Advisory Committee (MCAC), East Annex Conference Room. MCAC Chairman Clay Handy welcomed the Transportation Board to the MCAC meeting in progress. He believes it is beneficial for the two groups to meet occasionally.

Consultant Randy Allameier provided an update on the Commercial Vehicle Information Systems Network (CVISN). The focus of this project is to provide safety information along the roadside, electronic screening at ports of entries, and electronic credentials administration. He summarized the accomplishments from the past year, including the formation of a multi-agency team to implement CVISN and the completion of the program plan, and outlined the goals for Level I in 2001.

CE Ross briefed the group on projects programmed to increase passing opportunities on US-95. He added that US-95 continues to be a major focus of the Board, and the Department continues to make improvements to this important route.

CE Ross also summarized the draft Truck Parking Study. Available truck parking spaces on and adjacent to the national highway system routes in Idaho were included in the study. The results indicate more parking places are

needed along the interstate system. ITD will look at its rest areas and determine if additional capacity can be added at those locations. Parking does not appear to be a serious problem on the non-interstate highways.

MCAC Member Wayne McKinnon questioned the elimination of the rest area near Twin Falls and believes the stretch from Massacre Rocks Rest Area to the Bliss Rest Area is too long of a distance without a rest area. CE Ross responded that the rest area near Twin Falls needed extensive and costly work and because of the commercial facilities near the I-84 and US-93 interchange, the rest area was removed. Although there are no plans for another rest area in that area, he said he would revisit the issue. Director Bower added that ITD was working with the Department of Parks and Recreation on developing a rest area at Malad Gorge, however, those plans never materialized.

Motor Vehicle Administrator (MVA) Morris Detmar addressed recent concerns and discussions regarding runaway truck ramps. One concern of truckers is the cost to use these ramps. Although ITD does not charge a fee to maintain the ramps, there is a cost to tow the truck and if more than \$750 in damages occurs, Idaho State Police needs to be contacted and a citation may result. ITD's concern is to get runaway trucks off of the highway and stopped safely. The Department will get information out to the industry on these issues and encourage the use of the runaway truck ramps when necessary.

MCAC Chairman Handy believes the perception of truckers is that the ramps are unsafe. The ramp will either not stop the truck or will stop it so abruptly that the driver will be injured. He believes an educational program is needed. Director Bower said the ramps are a big investment to the Department and the ramps need to be used when necessary. MCAC Chairman Handy believes a video showing a truck driving onto a runaway ramp would be a valuable tool so truckers can see what actually happens when a ramp is used. He indicated he will pursue this option and will continue working on this important issue. CE Ross added that with various ITS applications and technology, it may be feasible to monitor trucks' weight and speed and determine if a truck should use the runaway ramp, with signing in place to notify the driver.

Chairman Winder asked MCAC for its general impression of SB1580, which eliminated the weight distance tax. MCAC Chairman Handy said the reaction has been mixed. Truckers who have received a refund as a result of the lawsuit are pleased, however, truckers that have to pay a higher registration fee now are unhappy with the new system.

MCAC Chairman Handy said he has worked with the local transportation committee in the Burley area. He asked the Board for its opinion of these local committees. Chairman Winder expressed support for these committees and said he believes they provide a valuable role in helping determine priorities and getting projects funded in the Highway Development Program. MCAC Chairman Handy encouraged the other MCAC members to participate in local transportation committees if they are available in their respective areas because of the benefits to the community and the importance of providing the trucking industry's perspective on various transportation issues and projects.

In response to Chairman Winder's question on the trucker's opinion of the differential speed limit, MCAC Member Ed Brandt replied that he had concerns initially, however, it does not appear to be a problem. MCAC Member David Coats said his concern is when one truck attempts to pass another truck and the speed difference between the two vehicles is minimal, so it takes a lot longer for the one vehicle to pass the other.

Director Bower reminded the group that the 129,000-pound pilot project will expire next year if it is not extended. MVA Detmar reported that the number of permits has increased, but the actual number of trips has decreased. MCAC Chairman Handy believes the shippers' alliance will probably ask for an extension of the pilot project.

MCAC Chairman Handy concluded the meeting by thanking the Board for its time. Chairman Winder thanked the MCAC members for their efforts on behalf of the trucking industry and their service to the state. He also expressed appreciation for the joint meeting.

The Board meeting resumed in the auditorium.

Recognition for Public Service Announcement (PSA). Joe Relk, Public Affairs Specialist, provided background information on the development of the PSA for the Idaho Historical Marker Guidebook. The PSA appears to be quite popular and is getting extensive airtime, resulting in higher than anticipated sales of the guidebook. He thanked the Department's videographers, Dave Tuttle and Mark Hall, for their expertise and assistance with the PSA.

On behalf of the Board, Chairman Winder commended the Public Affairs staff and the three Nez Perce Indians for their work on the PSA. He presented James McConville, Ralph Johnson, and Roland Johnson with certificates in appreciation of their assistance.

All three gentlemen thanked the Board for its time and the recognition for their help with the PSA. They were pleased to have the opportunity to participate in this project and enjoyed working with the Department's staff.

AASHTO Resolutions, Continued. The Board revisited the AASHTO resolutions regarding the 4(f) process. Member Blick questioned if the language is strong enough and includes ITD's concerns. Member Miller asked if a statement emphasizing public safety and elevating that above the 4(f) process should be included. Chairman Winder cautioned that the issue at hand is the 4(f) process and he discouraged including other matters in the resolution.

Vice Chairman Combo expressed concern with the Board taking a strong stance on the 4(f) process. If the requirements are revisited, they may become more stringent.

Member McClure made a motion to forward the AASHTO resolutions to Idaho's congressional delegation with a cover letter stating the Board's support of the resolutions and the Department's concerns with the 4(f) process. Member Blick seconded the motion and it carried 5-1 with Vice Chairman Combo dissenting.

WHEREUPON, the regular monthly Board meeting officially adjourned at 2:20 PM.

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

January 18, 2001

Boise, Idaho

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

November 16-17, 2000

The Idaho Transportation Board met at 8:20 AM, on Thursday, November 16, at the Idaho Transportation Department, Boise, for a pre-meeting review of the agenda. Chairman Winder called the meeting to order at 8:30 AM. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member - District 4

Neil Miller, Member – District 5

Sue S. Higgins, Secretary to the Board

Dwight Bower, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

October 19-20, 2000 Board Minutes. Member Blick made a motion, seconded by Member Sweeney, to approve the minutes of the Board meeting held on October 19-20, 2000 as submitted. The motion passed unanimously.

Board Meeting Dates. The following meeting dates and locations were scheduled:

December 14-15, 2000 – Boise

January 18-19, 2001 – Boise

February 15-16, 2001 – Boise

March 15-16, 2001 – Boise

Consent Calendar. Vice Chairman Combo made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Transportation Board approves

TB00-82 the relinquishment of a former portion of US-95, to Boundary County, District 1; the relinquishment of a former portion of SH-55, to Ada County Highway District, District 3; the certification of revenue and disbursements; and the right-of-way permit number 1-00-068, District 1; and has received and reviewed the contract award information, the new and supplemental professional agreements report, the speed minute entry changes, and the September financial analysis.

1) Relinquishment of a Former Portion of US-95, to Boundary County, District 1. A Road Closure and Maintenance Agreement between Boundary County and ITD dated February 1997 removes a portion of US-95 from Milepost (MP) 509.24 to MP 509.88 from the state highway system upon completion of the North Bonners Ferry to Junction US-2 project. The new facility was opened to traffic in June 2000. This relinquishment was presented to the Board in September, however it was deferred because of concerns with the mileposts. Staff reviewed the mileposts and made corrections accordingly. The official minute relinquishing this portion of US-95 is shown as Exhibit 234, which is made a part hereof with like effect.

2) Relinquishment of a Former Portion of SH-55 to Ada County Highway District (ACHD), District 3. A portion of former SH-55 at Beacon Light Road is to be relinquished to ACHD. It was not adequately described in a Road Closure and Maintenance Agreement dated July 1996 and the Official Minute dated January 1998. A new agreement with ACHD was made in March 1998, and a legal description of real property, Parcel 1D, was recently completed. The Official Minute, as shown as Exhibit 235, which is made a part hereof with like effect, will transfer this parcel.

3) Certification of Revenue and Disbursements. The Certification of Revenue and Disbursements, as shown as Exhibit 236, which is made a part hereof with like effect, was submitted for Board approval in conformance with the requirements of Section 40-708, Idaho Code.

4) Right-of-Way Permit #1-00-068, District 1. Randy Ross of R & R Contracting, a heavy equipment repair facility, is requesting the relocation of an existing 24' commercial approach on US-95, about 4 miles south of Sandpoint, in Type II Control of Access. The approach was deeded to the original property owners by the State of Idaho in February 1960. The approach is described on the deed as 24' in width at Station 35+25(LT) to be used for commercial and residential purposes only. The applicant is requesting to relocate the approach to Highway Station 35+40 LT. This change would move the approach 15' to the north of the deeded approach location, and the approach would remain on the west side of US-95.

The Right-of-Way Use Policy requires an exchange deed to be issued for relocated approaches if Access Control was approved by the Board prior to October 1978. Staff has reviewed the request and recommends approval of the approach

relocation on the basis of improved sight distance. An appraisal is not required for an approach relocation.

5) Contract Award Information. Key #7209, Towne Square Mall Signal Control Meas. Low bidder: Quality Communications - \$123,864.

Key #8297 – I-184, Wye Interchange, Stage 1, Housing Demolition, District 3. Low bidder: Beco Construction Company, Inc. - \$39,690.

Key #6030 – US-20B, Boulevard Grade Separation, Idaho Falls, District 6. Low bidder: Idaho Construction Company, Inc. - \$810,897.

Key #6650 – SH-32, Bitch Creek Bridge, Teton County, District 6. Low bidder: Adams & Smith, Inc. - \$2,225,703.

6) New and Supplemental Professional Agreements Report. From September 30 to October 30, the Consultant Administration Unit processed \$1,750,680 in new and supplemental agreements.

7) Speed Minute Entry Change. The Mountain Home City Council passed a motion to extend the existing 25-mile per hour (mph) zone on SH-51 by .471 miles within the city limits. This change also reduced the existing 35-mph zone by .471 miles.

8) Financial Statement. Actual year-to-date revenues in the Highway Distribution Account exceeded the forecast by \$126,026 and by \$118,438 in the State Aeronautics Fund. However, the forecasts have been updated for both accounts, and next month's report will reflect these revised forecasts. The expenditures are below expectations in all categories except Aeronautics' personnel. Also, to offset the downward adjusted revenue forecast for the State Highway Fund, holdbacks have been allocated under Personnel Costs.

Board Items. Chairman Winder mentioned the Office of Highway Safety's recent campaign to curb aggressive driving, which has a significant impact to the safety of the traveling public. He mentioned that aggressive driving behavior was a contributing factor in 59% of all crashes and there was a 46% increase in fatalities attributed to aggressive driving in Idaho in 1999. He asked staff to evaluate the statistics and to consider additional programs to increase the public's awareness of the dangers of aggressive driving, such as through paid advertisements.

Office of Highway Safety Manager JoAnn Moore elaborated on the partnership with private businesses to address aggressive driving statewide. A number of gas station owners are contributing advertisement space at the fuel pumps, and radio stations have been covering this campaign. She added that student body presidents from area colleges have been solicited to help relay this important safety message. The Office of Highway Safety will continue emphasizing the dangers of aggressive driving behaviors, with a re-emphasis on this program planned around Memorial Day.

Member McClure reported on two recent fatal accidents in the Treasure Valley. An individual was in the queue at both locations and expressed frustration with the long traffic delays because of the accidents. He asked CE Ross to review the traffic control plan at accident sites.

A recent article in "Better Roads" emphasized that keeping traffic moving and reducing congestion results in less pollution. Member Miller thought it was an excellent article and encouraged staff, particularly the Public Affairs Office, to share the information as appropriate. Director Bower added that there are a number of initiatives occurring nationwide to acknowledge the positive things the transportation industry is doing for the environment, safety, and economics.

Member McHugh reported that the Bridging the Valley Study underway in District 1 appears to be going well. ITD partnered with the Washington State Department of Transportation and Spokane Regional Transportation Council to conduct a railroad consolidation study. This effort is examining the feasibility of combining the Burlington Northern Santa Fe and Union Pacific (UP) main lines into one corridor, which would result in the closing of approximately 30 at-grade crossings in Kootenai County.

Director's Items. Director Bower provided information on the FY01 federal aid appropriations. Idaho's formula, Revenue Aligned Budget Authority, and high priority projects portion for obligation authority will be \$209.9 million.

The first refund payments as a result of the American Trucking Association lawsuit were made earlier this month, according to Director Bower. The second round of checks will be distributed in February or March. Staff has been providing data and assistance for these payments and he believes the Department is on schedule and this process is going well.

Director Bower reported that he would be attending the annual American Association of State Highway and Transportation Officials conference in Indianapolis, Indiana next month. Vice Chairman Combo, CE Ross, Assistant Chief Engineer – Development Steve Hutchinson, and District 4 Engineer Devin Rigby are also planning to attend. He added that a meeting with Federal Highway Administrator Kenneth Wykle has been scheduled and staff is still coordinating a meeting with the five-state coalition.

Special Recognition for Efforts on Federal Appropriations Bill. Chairman Winder believes Idaho enjoyed extraordinary success in the federal appropriations bill, particularly with earmarked funding, because of staff's extra efforts on this issue. The additional funds ITD will receive was the result of staff's coordination and communication with the state's congressional delegation and extensive work to prepare applications for discretionary funds. The Board thanked the employees for their extra time and efforts on the appropriations bill, along with Director Bower for his oversight and leadership.

Delegation – Community Planning Association of Southwest Idaho (COMPASS). COMPASS Deputy Director Erv Olen reported that FHWA has invited COMPASS to consider a feasibility study of value pricing concepts in the fast-growing Treasure Valley. Traffic on I-84, particularly west of the Wye Interchange, is growing at a phenomenal rate and experiencing heavy congestion during peak periods. The Transportation Equity Act for the 21st Century provides for an experimental pilot program to test value pricing techniques such as congestion or peak hour pricing to address growing congestion. The COMPASS Policy Board will decide Monday if it will apply for a grant to conduct a feasibility study of value pricing techniques along the I-84 corridor in the Treasure Valley. Mr. Olen said that if an application is submitted, COMPASS will continue working closely with ITD and ACHD on this issue.

Chairman Winder thanked Mr. Olen for informing the Board of this proposal.

Status Report – Boise Cut-off from Nampa to Boise, District 3. Senior Transportation Planner Ron Kerr provided background information on the Boise cut-off, 44 miles of UP Railroad line that runs from the main line in Nampa through the cities of Meridian and Boise and rejoins the main line near the old town site of Orchard south of Boise. Since Amtrak rail passenger service ceased in 1997, only local freight operations are conducted daily on this line. In May 1999, UP requested and received approval from the federal Surface Transportation Board to abandon 18.2 miles of the cut-off from south of Boise to just north of Orchard. The railroad company later donated 14 miles of this corridor to Boise City and the City then purchased the remaining 4.2 miles.

It is doubtful that UP would seek abandonment of the remaining 26 miles of this cut-off from Nampa through Boise because there are a number of active rail freight customers on this section. UP retains the right to negotiate for any passenger service in the future. The City of Boise has expressed interest in preserving and possibly acquiring the cut-off from Boise to Nampa for possible future commuter rail service. A transit plan to evaluate the overall public transit needs of the Treasure Valley, including a possible commuter rail system, has been tabled by COMPASS. Currently, the intent is that the newly-formed regional public transportation authority, Valley Inter Area Transportation (VIA Trans) will oversee development of the transit plan. The timeframe for the development of the transit plan is unknown, as VIA Trans has not hired an executive director and staff yet.

Mr. Kerr outlined possible funding sources, including federal, local, and private. Federal Transit Authority funds from Section 5309 Discretionary Program could be used for mass transit capital projects and purchasing right-of-way. Additionally, Section 5307 Urbanized Formula Funds can also be used for transit purposes. Local Urban, Local Rural, and State Surface Transportation Program (STP) funds could be used to purchase abandoned railroad right-of-way for future transportation uses. Additionally, STP funds could be used in the planning process to develop a detailed implementation study, and Congestion Mitigation/Air Quality Program funds could also be used. He concluded by stating that staff will continue to monitor the activities of and work with the various local entities on utilizing the Boise cut-off for transit purposes.

Member Sweeney asked if there is a speed limit for the trains traveling on the cut-off. Mr. Kerr responded that the maximum speed limit is 35 miles per hour, which seemed to be a frustration for Amtrak when it served Boise because of the time delays

that created. Speed appears to be an issue for transit purposes, as other modes can travel faster. Member Sweeney asked how many at-grade crossings are involved with the line and what improvements would be needed if passenger service were provided. Mr. Kerr replied that the cost effectiveness of a transit system has not been studied, but he believes it would be costly to address the at-grade crossings.

Chairman Winder thanked Mr. Kerr for the update and asked him to keep the Board informed on this issue.

Pioneer Historic Byway Corridor Management Plan, District 5. John Bertram with Planmakers reported that a corridor management plan has been completed for the Pioneer Historic Byway along US-91 and SH-34 in Franklin and Caribou Counties, and elaborated on the proposed projects identified along the byway. The planning process was a 16-month effort and included extensive local representation. Both county commissions have approved the plan, which covers the enhancement of the byway's intrinsic qualities, highway safety issues, and marketing aspects. The District 5 staff was also heavily involved in the development of the plan and has also approved the plan.

Member Miller made a motion, seconded by Vice Chairman Combo, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board established the Scenic Byways

TB00-83 Advisory Committee (SBAC) on June 21, 1996, to provide advice and recommendations concerning the Scenic Byway Program to the Transportation Board; and

WHEREAS, corridor management plans (CMP) are 1) important for the protection and orderly development of scenic byways, 2) required for National Scenic Byway designation, and 3) key to gaining priority for National Scenic Byway funding; and

WHEREAS, Caribou and Franklin Counties have completed a CMP for the Pioneer Historic Byway on US-91/SH-34; and

WHEREAS, all CMPs are to be submitted to the SBAC for review and consideration before Board action; and

WHEREAS, the SBAC has reviewed the CMP, concurring with District 5 that the plan adequately addresses the issues of the byway and recommends Board approval.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the corridor management plan for the Pioneer Historic Byway.

Vehicle Investment Program (VIP). Division of Public Transportation Administrator Larry Falkner provided a history of the VIP, which started in 1998 as a pilot program to provide state funding for transit vehicles. Previously, federal and local funds allowed the purchase of three to four vehicles per year. With the VIP funds, eleven or twelve vehicles were purchased each year during the first two years of the program. The program has been very popular throughout the state and the Department has received numerous letters in support of the VIP.

Based on the number of requests received during the first three years of the program and because of the success of the program, staff is requesting permanent status for the VIP. Staff reviewed current and future needs for funding transit vehicles in the rural areas of the state and recommends a funding level of \$312,000. The Division will continue to administer the VIP in conjunction with federal funds in the Section 5311 Rural Program and Section 5310 Elderly and Persons with Disabilities Program, emphasizing coordination and local government support for the project.

Representative Frances Field thanked the Board members for their service to Idaho. She praised the VIP and encouraged the Board to continue funding this valuable program. She also stated that if the Board approves continuing the program, she would support the program and provide assistance in the legislature. Public Transportation Advisory Council Member Walter Ross from Preston also extended appreciation to the Board for the VIP. He believes it is a beneficial program, particularly to the state's senior citizens.

Chairman Winder thanked Representative Field and Mr. Ross for their remarks and support of the VIP. He also thanked Representative Field for her assistance in the legislature.

Vice Chairman Combo made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, there is a continuing need for additional funds for transit capital

TB00-84 purchases in the rural areas of Idaho; and

WHEREAS, requests for federal dollars for vehicle purchases annually exceed the federal funds available in the Section 5311 Rural Transportation Program and Section 5310 Elderly and Persons with Disabilities Program resulting in an aging fleet of vehicles; and

WHEREAS, local organizations and governments are able to provide the required match with local funds; and

WHEREAS, all transportation providers are required to offer accessible transportation options under the Americans with Disabilities Act; and

WHEREAS, the current growth in population, an expected increase in the number of elderly Idahoans and demand for transportation options in coming years, coupled with the rising replacement costs of equipment leave the Department with inadequate federal funding to meet the demand for transit capital purchases; and

WHEREAS, there are internally generated funds within the Idaho Transportation Department that are not constrained constitutionally nor directed by Idaho Code that may be utilized to purchase transit capital equipment; and

WHEREAS, the Division of Public Transportation has overseen a pilot program for two years that has been very successful helping meet the needs for funding capital transit purchases in the rural areas of the state.

NOW THEREFORE BE IT RESOLVED, by the Idaho Transportation Board that: The Vehicle Investment Pilot Program shall be granted continuing status for FY02 and be funded annually at \$312,000 with funding utilized in conjunction with Federal Transit Administration Section 5311 and Section 5310 Program funds; funding for the program shall come from appropriate state sources, contingent on legislative approval.

Luncheon Meeting with the Aeronautics Advisory Board (AAB). The Board met at the DoubleTree Riverside, Boise, with the AAB. The Board welcomed Scott Patrick to the AAB and thanked all three members for their service to the state.

AAB Chairman Bill Parish reported that the search for an Aeronautics Administrator is underway. He believes \$800,000 in state funds will be available as match for the AIR-21 bill, which is more than initially estimated. He elaborated on the Division's legislative proposals to retain the interest from the Aeronautics fund instead of transferring it to the General Fund, and to revise aircraft registration requirements. There was some discussion on a proposal to change the membership of the AAB. AAB Chairman Parish expressed some concern with the AAB's role. The members would like their responsibilities better defined. The consensus of the group was to review the AAB's role after the legislative session, in case legislative changes are made to the AAB and also to allow time to hire a new administrator and provide some time for that person to get acquainted with the duties and operation of the Division.

Director Bower provided an in-depth look at the airport improvement program for FY01 and matching level scenarios. He added that staff is exploring the feasibility of changing Idaho's aviation federal match ratio to the level of several other western states based on the percentage of federal lands in the state and the number of enplanements. He also reported that ITD does not have a master plan for the state-owned airports and suggested developing one. Both Boards were supportive of compiling a master plan.

AAB Chairman Parish thanked the Board for the opportunity to discuss these various issues, and he believes it was a beneficial meeting. He also extended appreciation to Director Bower for his guidance and support and to Deputy Director Keith Bumsted, acting Aeronautics Administrator, who also has a history of providing assistance and direction to the Division.

The meeting resumed at the Transportation Department.

Signing: Standards and Procedures for Highway. Steve Holland from the Traffic Section provided an overview of the Department's sign program. Over 100,000 signs are installed within the state right-of-way to address the operational needs of the highway system and to offer needed information to the traveling public. He outlined the various types of signage, including regulatory, warning, guide/informational, and construction.

Right-of-Way Supervisor Leonard Hill summarized the Outdoor Advertising program, comprised of signs off the right-of-way, but visible from the highway. Federal law requires states to control outdoor advertising or be subject to a loss of federal-aid highway funds. The main considerations of the outdoor advertising program are beautification, safety, and economics. He reviewed the criteria to determine if a sign qualifies as an outdoor advertising sign, what the limitations are for signs, and the license and permit procedures. In conclusion, he stated that in 1967, shortly after the Highway Beautification Act was enacted, Idaho had 12,700 outdoor advertising signs. Today there are 1,299 signs.

The Board thanked Messrs. Holland and Hill for the informative presentation.

Traffic Accident Memorials. Acting Traffic Engineer Lance Johnson clarified the Department's traffic accident memorial policy. Following legislation, the Board adopted a rule in 1992 to specify the procedures to be followed when erecting golden stars in memory of people killed in traffic accidents on Idaho state highways. A permit is required for gold stars, but few have been erected. Mr. Johnson said that ITD is not responsible for the maintenance of the stars. Non-conforming memorials, such as crosses, are more popular. He said the Department usually does not remove the non-conforming memorials unless they are a safety hazard, interfere with maintenance operations, or are not maintained. He explained some other states' traffic accident memorial policies and added that there is no national standard for these memorials.

Member McHugh expressed concern that memorials other than the legislatively approved gold stars are being used. The Department cannot provide permits for these other symbols. The consensus of the Board was that this is a legislative issue, and should be revisited with legislative leadership. Staff should review alternatives such as permitting several symbols as traffic accident memorials, erecting signs reminding motorists to drive safely in memory of someone killed in a crash, allowing memorials outside of the highway right-of-way, or no policy.

Chairman Winder thanked Mr. Johnson for reviewing and explaining this issue.

STP Rural Exchange Program. Highway Programming Manager (HPM) Dave Amick elaborated on the Exchange Program, which allows local entities not in the Federal Aid Incentive Program to exchange federal funds for state funds. ITD provides \$2.8 million in State funds annually for this Program for \$4.5 million in federal funds. The Local Highway Technical Assistance Council (LHTAC) has requested if a local entity participates in the Federal Aid Incentive Program, that a process be developed for the local agency's equivalent share of the total \$4.5 million exchanged to be transferred to the Incentive Program. The participation status of each exchange agency must be known by the beginning of each federal fiscal year to make this feasible. Beginning in FY00, language was added to the Exchange Program agreement requiring eligible participants to indicate their intent to continue or not continue in the Exchange Program in the following year. He added that if more local entities participate in the Incentive Program, consideration could be given to reducing the \$4.5 million identified for the Exchange Program and increasing the amount available for the Federal Aid Incentive Program.

Member McHugh does not believe the dollar amount agencies participating in the Exchange Program receive should increase as other local entities leave the Exchange Program for the Incentive Program. He suggested establishing the exchange rate at the original amount of 61.67% or the dollar amount the local entity received last year in the Exchange Program. HPM Amick reported that he is working on that proposal with LHTAC Administrator Joe Haynes. Director Bower said the intent was to cap the Exchange Program at \$2.8 million, not to provide that amount as a floor or an entitlement.

Member McHugh made a motion that the consensus of the Board is that the \$2.8 million in State funds provided to the STP Rural Exchange Program is not to be a floor and that the exchange rate be established at 61.67%. Vice Chairman Combo seconded the motion.

Member Blick expressed concern with the timing and that some of the local agencies rely on the Exchange Program for funding. He does not want to decrease their funding level without advance notice.

The motion passed without objection.

In response to Director Bower's question on the timing of the Exchange Program and where staff is in the cycle, HPM Amick said the dollar amounts for FY01 are still being calculated. The consensus of the Board was to enact the 61.67% exchange rate effective FY02. HPM Amick will provide a history of the amount the local entities have received in the Exchange Program since FY99 and will project the dollar amount they will receive in FY02.

LHTAC Administrator Haynes believes the plan to transfer unused funds from the Exchange Program into the Incentive Program is a positive step. He was pleased to report that more local public agencies are applying for projects through the Incentive Program.

US-30, Cedar Draw Pipe Replacement, District 4. Assistant District 4 Engineer (ADE) Scott Malone said the existing 14-foot structural plate corrugated metal pipe at milepost 208.923 on US-30 has corroded on the bottom and the stream flow has washed the backfill away from the pipe. This has caused the fill and adjacent roadway to settle, resulting in an unsafe condition for the traveling public. A temporary detour with a lower advisory speed limit was posted to accommodate traffic until the problem is resolved. Staff is proposing to remove the existing corrugated metal pipe and replace it with a concrete stiff leg bridge. The environmental permitting is underway and a plans, specifications, and estimate package for bidding purposes is being completed. The estimated cost for this work is approximately \$750,000.

Because of the urgency of this work and the need to complete construction before the irrigation season begins next April, staff reviewed possible funding options. ADE

Malone believes a planned seal coat between Burley and Paul and a micro seal in Twin Falls could be delayed, yielding \$292,000 in construction funds. Additionally, the District is requesting \$458,000 in Board unallocated funds to complete this important project.

Member McClure made a motion, seconded by Vice Chairman Combo, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Structural Plate Corrugated Metal Pipe (CMP), at
milepost

TB00-85 208.923 on US-30 has failed and is in need of immediate replacement; and

WHEREAS, the District is developing construction documents for the
replacement of the pipe with a concrete stiff leg bridge; and

and WHEREAS, the estimated cost to do this work is approximately \$750,000;

WHEREAS, the time to complete construction is urgent due to the
forthcoming irrigation season which starts in approximately April of 2001;
and

WHEREAS, the Idaho Transportation Board desires to participate in the
funding of this project to meet the needs of the traveling public.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation
Board approves adding the US-30, Cedar Draw Pipe Replacement project
to the Highway Development Program in the amount of \$750,000 in State
funds, using \$458,000 from Board unallocated funds; and

BE IT FURTHER RESOLVED, that project key numbers 8245 and 8247
be delayed; and

BE IT FURTHER RESOLVED, that staff is directed to complete plans, specifications, and estimates for this project and proceed with construction as soon as possible.

Internal Procedures on Resolving Construction Contract Claims. DAG Bywater outlined the Department's contract claim resolution process. The contractor must provide full documentation to the Resident Engineer of its claim within 30 days following the date all damages are known. The Resident Engineer has 45 days to issue a decision for claims under \$100,000 and 90 days for claims greater than \$100,000. If the Resident Engineer does not render a timely decision, the claim is deemed to be denied and the contractor can appeal to the Chief Engineer. Staff seeks assistance from the legal section earlier and utilizes more claims consultants and auditors at the Resident Engineer level in an attempt to resolve claims in a timely manner and provide contractors with final determinations at the earliest possible date.

If the claim is not resolved at the Resident Engineer's level, DAG Bywater said the contractor could appeal to the CE. Depending upon the level of review performed at the Resident Engineer's level, he may retain outside consultants to review the claim, and also has several staff engineers available to review and evaluate claims. The CE has 90 days to make a decision and often the contractor is given the opportunity to make a presentation to the CE concerning entitlement and damages suffered by the contractor. If the CE denies the claim, the contractor has 30 days to file an appeal to the Transportation Board. At the Board level, the Legal Section has offered the opportunity for mediation or a dispute review board to contractors. If the claim cannot be resolved through these means, then staff requests the Board to authorize binding arbitration or litigation.

Additionally, DAG Bywater said the Department has instituted voluntary partnering with the intent to improve communications between the contractor and the staff. Partnering meetings are held as needed throughout the duration of the project. Staff has been working on a revised claims specification. As currently proposed, it will encourage, but not mandate, dispute review boards. It will also make the CE's decision the final agency action on the matter. Other changes are being proposed to streamline the process and encourage the resolution of claims as quickly as possible. Multiple meetings have been held with the Associated General Contractors on the specification and its response to date has been favorable.

The Board thanked DAG Bywater for the update on the contract claims process and for the improvements being made in this area.

Contract Claim, US-95, Canyon County Line to I-84, District 3. CE Ross said Steelman Duff, Inc. has appealed his decision on the contract claim arising from a project on US-95 from the Canyon County Line to I-84. The contractor has two claims: unusually severe weather and errors in the plans. At both the District and CE levels, the Department acknowledged entitlement for the claim of plan error and CE Ross said he acknowledged entitlement for unusually severe weather. ITD and the contractor are in disagreement over the amount of additional compensation due. The Department found entitlement in the amount of \$123,833 and paid those additional costs. Steelman Duff, Inc. is seeking an additional \$90,600, so staff is requesting binding arbitration.

Vice Chairman Combo made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, Steelman-Duff, Inc. has filed an appeal of the Chief Engineer's

TB00-86 decision on project #NH-F-3111(039), key #2627; and

WHEREAS, the Chief Engineer found partial entitlement on the claim and those items have been paid; and

WHEREAS, under the contract, the dispute is to be resolved by binding arbitration using the American Arbitration Construction Rules.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board authorizes the Chief Engineer to enter into an arbitration agreement to resolve this matter.

Contract Awards. The low bid for project STP-7705(100), key 7617 – Baldy Mountain Road to Ebbett Way, Sandpoint, Bonner County, District 1, was more than ten percent over the engineer's estimate, requiring justification. The prices estimated by Sandpoint Independent Highway District, the project sponsor, were generally acceptable, however, after discussing the bid opening with the sponsor, a decision was made to reject

the bid and re-advertise next year. Re-bidding the project may increase the number of bidders and cause the unit prices to decrease.

Member Sweeney made a motion, seconded by Member Blick, to reject the low bid for project STP-7705(100). The motion passed unanimously.

Member McClure made a motion to accept the low bid on project NH-2390(125), NH-2390(127), and NH-2390(128), keys 7475, 6989, and 7493 – US-93, Southbound Passing Lanes; Climbing Lanes South of Rogerson; and Rogerson Passing Lanes Northbound, Twin Falls County, District 4. Low bidder: Western Construction, Inc., Boise, Idaho - \$3,117,232.31. Member Blick seconded the motion and it passed unopposed.

Member Sweeney made a motion to accept the low bid on IM-STP-ER-CM-15-2(057)94, key 6258 – I-15, Snake River Bridges Southbound, Bingham County, District 5. Low bidder: Idaho Construction Company, Inc., Kimberly, Idaho - \$4,446,864.85. Member McClure seconded the motion and it passed unanimously.

Member Blick made a motion to accept the low bid on project IM-84-4(029)245, key 7471 – I-84, Sublett to Sweetzer, Westbound, Cassia County, District 4. Low bidder: Granite Construction Company of Utah, Watsonville, California - \$3,221,221. Member McHugh seconded the motion and it passed unanimously.

The low bid on NH-1481(037), key 757 - US-30, Alexander to Soda Springs, Caribou County, District 5, was more than ten percent over the engineer's estimate, requiring justification. The major price variations are associated with plantmix pavement, granular subbase, rock cap, construction surveying, and mobilization. A large percentage of the higher bid can be attributed to the large increase in oil prices, including the remote location of the aggregate sources and mobilization. Due to the lack of quality aggregate sources and the predicted increases in oil prices, staff does not believe re-advertising the project would provide lower bids and the delay effects would be counterproductive. Therefore, the District recommends awarding the contract and has identified project savings from another project to cover the additional costs of this project.

Member McClure made a motion to award the low bid on NH-1481(037), key 757 to the low bidder: HK Contractors, Inc., Idaho Falls, Idaho - \$8,180,698.17. Member Miller seconded the motion and it passed without objection.

Federal Funding for On-the-Job Training/Supportive Services (OJT/SS) Program. Chief of Civil Rights (CCR) Karen Sparkman reported that ITD contracted the OJT/SS Program to the Associated General Contractors Education Foundation (AGC/EF) for FY00. An FHWA grant funded this program to promote training within the highway construction trades in order to help eliminate safety issues and the worker shortages being encountered. During the first year, half of the participants graduated, with over 25% being placed into the workforce. ITD did not receive grant funding for this program for FY01, but due to the importance of the program, staff explored other options, and is requesting a partnership with AGC/EF for shared funding.

CCR Sparkman said the program is expected to cost \$200,000, based on this past year's costs. Currently, the program, which runs from October 1, 2000 through September 30, 2001, is being funded from remaining funds in the FY00 contract with AGC/EF. Starting January 1 and for the remainder of the fiscal year, the AGC/EF would cover \$70,000 and staff is seeking approval to fund the program at \$100,000. Federal Code allows this program to be funded through the STP Program.

Member McHugh asked if this program is only for the Treasure Valley or if it is a statewide program. CCR Sparkman responded that this is a pilot project but it could be expanded throughout the state in the future. Currently, classes are conducted in Boise, but the trainees could complete their internship anywhere in the state.

In response to Member Miller's question on the length of the program, CCR Sparkman said five weeks of classroom training is completed followed by six weeks of internship with a contractor. Two of these sessions are completed in one fiscal year.

Member Blick asked if the students have to pay a fee to participate in the training program. CCR Sparkman replied that no fee is charged, but the trainees are provided a stipend. The program targets minorities and disadvantaged and unemployed citizens.

Member McClure made a motion, seconded by Member Miller, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, the On-the-Job Training Supportive Services (OJT/SS) is of a
TB00-87 nationwide interest and will help to improve the safety and shortages
within the highway construction workforce; and

WHEREAS, the Idaho Transportation Department has in coordination with the Associated General Contractors Educational Foundation (AGC/EF) participated in the OJT/SS program which calls for a continuation of the program; and

WHEREAS, the initial program developed and administered in FY00 was funded by a grant obtained by ITD through the Federal Highway Administration; and

WHEREAS, the AGC/EF has agreed to provide the additional \$70,000 needed in FY01 in partnering with the ITD to guarantee the continuation of the program; and

WHEREAS, the ITD desires to participate in the timely funding of the continuation of this program in order to help the contracting industry to meet project needs.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves adding a project for up to \$100,000 in Federal STP funds to FY01 of the Federal Surface Transportation Program to be matched by \$70,000 in funding by the AGC/EF for the purpose of the continuation of the OJT/SS program; and

BE IT FURTHER RESOLVED, that staff is authorized to revise the FY01-03 Statewide Transportation Improvement Program as necessary to include the above project.

Member Sweeney made a motion to recess the meeting and to reconvene in executive session at 8:30 AM on Friday, November 17 to discuss personnel and pending litigation issues in accordance with Section 67-2345(1)(b) and (f), Idaho Code. Member McHugh seconded the motion and it passed unopposed.

WHEREUPON the meeting recessed at 4:35 PM.

November 17, 2000

The Transportation Board meeting reconvened in executive session at 8:30 AM on Friday, November 17 at the Transportation Department in Boise. All members were present.

The Board came out of executive session at 9:30 AM. No decisions were made.

Presentation – Returned Checks and Uncollectible Accounts. Kathryn Chase, Financial Services, summarized the Department's returned check process. She said that DAG Bywater has reviewed the procedures and believes there is a good, adequate system in place. Ms. Chase reported on several other state agencies' and counties' procedures for and experiences with accepting personal checks. She concluded by explaining the credit card transaction process. Although the Department encounters considerable costs for accepting credit card payments, it is a valuable service provided to customers. In response to whether ITD can charge a fee to customers for accepting credit card payments, Ms. Chase responded that the Department's agreement with the credit card companies does not allow for such a fee. She added that other fees could be increased to help cover these costs.

The Board thanked Ms. Chase for the report and commended staff for the low percentage of uncollectible accounts the Department experiences.

Quarterly Returned Check Report. During the first quarter of FY01, \$15,966,811 in checks were received. The returned checks totaled \$20,800, or .13%, while the collection of returned checks amounted to \$21,403 for an annualized collection rate of 92.53%.

Crafts/Trades Salary Report and Remote Area Housing Report. Chief of Administration (COA) Dick Transtrum reported that survey results released this week indicate the State of Idaho currently lags approximately 12.5% behind the market for salaries across all occupational groups. He said the Department is committed to achieving the goal of moving its employees to the policy line in an effort to attract and retain staff, and he believes the Department has made progress over the last three years to adjust salaries at a constant rate toward the policy rate of pay. But in spite of the internal changes made at ITD, the market rates are changing more rapidly than ITD's ability to respond, and it is difficult to compete with the private sector with the existing salary schedule. This competitiveness in pay is driven by a strong economy and the lowest unemployment rates in history.

COA Transtrum provided some comparative information on select positions. He emphasized that state employee salaries are legislatively mandated and allocation considerations are balanced against competing needs. However, he elaborated on several options the Department has without approaching the legislature. He believes ITD needs to continue allocating funds to advance employees through the pay ranges with some degree of regularity and predictability. Consideration should be given to exploring the feasibility of providing long-term merit increases and also setting aside a portion of vacancy savings to use for bonuses and short-term merit increases. Training and the environment are other key elements in retaining employees and those areas are being reviewed and addressed by management. He added that the state has excellent benefits and the Department is marketing and emphasizing those.

Assistant Chief Engineer – Operations (ACE-O) Clayton Sullivan addressed the concern regarding the higher cost of living in some locations, such as Hailey, or in remote areas. There are no mechanisms to provide cost of living increases because Idaho has a merit-based system. This means that pay increases must be based on performance, as written in Idaho Code. ITD has a policy that provides a method of renting state-owned dwellings at some sites to employees based on the average statewide rental value for those dwellings. Although this policy has been implemented in remote locations, it could apply to the Wood River Valley. The Hailey maintenance yard has a site prepared for employee housing, however, the local zoning regulations do not allow mobile homes at this site, only standard construction or modular homes at an estimated cost of \$90,000 per unit.

Member Blick asked if a housing allowance could be provided instead of an actual dwelling. COA Transtrum does not believe ITD would be prohibited from providing a housing allowance, but believes the Board of Examiners would need to approve that measure. Member McClure asked how many dwellings would be needed at the Hailey site. ACE-O Sullivan said the Hailey maintenance yard has three sites for houses, which would take care of the personnel complement in that area. Because other employees statewide believe they live in a high-cost area, Director Bower suggested establishing a pilot program to address the housing issue.

Member Blick made a motion to develop a pilot program to address the housing issue in Hailey for permanent employees. Member McHugh seconded the motion and it passed unopposed.

Member Sweeney asked if ITD is losing employees to other state agencies and, if so, if the pay scale is the same for all state agencies. COA Transtrum responded that recently, ITD has been losing employees in the technology arena to other state agencies, although the pay range is the same. Vice Chairman Combo was pleased to note that ITD continues to enjoy a low turnover rate, which reflects well on the Department.

Chairman Winder thanked the employees for the report.

Coeur d'Alene Lake Drive Property Disposal, District 1. In July, the Board was approached to declare a portion of right-of-way along Coeur d'Alene Lake Drive as surplus, enabling the adjoining property owner to acquire it. The Board had several questions and issues that staff was to address.

Edward Wroe, attorney representing the property owner, thanked the Board for its time and provided a brief history of the issue. Although a declaration of surplus of the property is desired, he said an easement approach would be acceptable, and provided two proposals for Board consideration. He does not believe ITD or the Department of Parks and Recreation will need this property in the future.

Member McHugh made a motion to abandon the right-of-way of the subject property. The motion failed due to the lack of a second.

Member Miller made a motion that the Transportation Board authorizes the Director to negotiate the granting of a perpetual easement to Mr. and Mrs. Gianotti on the portion of the right-of-way where the encroachments exist in front of Mrs. Smith's property. The Director would also be authorized to approach the property owner to the west of Mrs. Smith's property where encroachments also exist under a current right-of-way use permit, with a similar offer of a perpetual easement. Consideration in the negotiations should include provisions limiting the cost of future acquisition of the easement by eminent domain procedures in the event the parcels are required for future ITD or Department of Parks and Recreation projects, as well as indemnification provisions on the use of the premises. The Director should also consult with the Director of Parks and Recreation regarding the results of the negotiations on the perpetual easements, and seek the concurrence of the Department of Parks and Recreation in the granting of the easements. Member McClure seconded the motion.

Vice Chairman Combo said the property may be excess, but he does not believe it is surplus to the state, particularly when considering the Department of Parks and Recreation's interests and future plans. Mr. Wroe believes the subject property is different because the house at this site would have to be condemned before the right-of-way under discussion could be effectively utilized.

Member McClure believes the proposed motion is equitable because if the land were declared surplus, it would first be offered to other state agencies. If no other agency would acquire the property, it would be placed on public auction, so there are no guarantees as to who would be the resulting property owner. Chairman Winder added that the Board appears supportive of the easement agreement, but negotiations will need to occur to resolve some issues. He emphasized the need for a fair agreement for both parties.

The motion passed unanimously.

New Business. Member Miller reported on a recent incident in District 5. A track hoe hit and damaged an I-15 overpass on a Friday. Shortly after the accident, District 5 staff was at the site to assess the damages and photograph the structure. Those photos were forwarded to the Headquarters' Bridge Section. By the following Tuesday, the District had the plans from Bridge and could proceed with repairing the structure. Member Miller said he was impressed with staff's timeframe and handling of this incident. He thanked staff for their accomplishments.

Video Excerpts. Public Affairs Officer Jeff Stratten showed public service announcements regarding snow plow safety and promoting seat belt usage. He also showed an excerpt from a recent Montel Williams talk show. The nationally recognized talk show host was in Idaho earlier this year and came upon a vehicle crash. He provided assistance to the motorist and was recognized on his national show for his efforts. Additionally, the teenage driver of the vehicle was commended for wearing his seatbelt, which saved his life. The Governor's Office and the Idaho Transportation Department provided commendations to the two gentlemen.

WHEREUPON, the regular monthly Board meeting officially adjourned at 11:10 AM.

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

_____, 2000

_____, Idaho

REGULAR MEETING AND DISTRICT 6 TOUR
OF THE IDAHO TRANSPORTATION BOARD

October 19-20, 2000

The Idaho Transportation Board met at 8:30 AM, on Thursday, October 19, in Idaho Falls. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member - District 4

Neil Miller, Member – District 5

Sue S. Higgins, Secretary to the Board

Dwight Bower, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

Tom Cole, Assistant District 6 Engineer

Steve Moreno, Division Administrator – Federal Highway Administration

Representative JoAn Wood joined the group as it departed east on US-20. After a brief stop at the Rigby maintenance shed, the tour continued on US-20 to the Osborne Bridge to view the construction activities underway. The Board traveled US-20 to the Henry's Lake airstrip, then turned around and drove west on US-20 and south on the Mesa Falls Scenic Byway. After touring the recently renovated Big Falls Inn, the group traveled south on the scenic byway and SH-47. The tour continued on SH-32 and SH-33 to US-20. The Board visited employees and toured the facilities at the District 6 Office in Rigby and returned to Idaho Falls via US-20.

WHEREUPON the meeting recessed at 4:55 PM.

October 20, 2000

The Transportation Board meeting reconvened at 8:20 AM on Friday, October 20 at the City Electric Building in Idaho Falls for a pre-meeting review of the agenda. All members were present except Member McHugh. Chairman Winder officially called the meeting to order at 8:30 AM.

September 21-22, 2000 Board Minutes. Member Sweeney made a motion, seconded by Member Miller, to approve the minutes of the Board meeting held on September 21-22, 2000 as submitted. The motion passed unanimously.

Board Meeting Dates. The following meeting dates and locations were scheduled:

November 16-17, 2000 – Boise

December 14-15, 2000 – Boise

January 18-19, 2001 – Boise

February 15-16, 2001 – Boise

Secretary to the Board (SB) Higgins reported that the Board's planning session has tentatively been scheduled on February 16.

Consent Calendar. Vice Chairman Combo made a motion, seconded by Member McClure, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Transportation Board has received and reviewed the report on speed zone changes by city

TB00-80 ordinance, the quarterly administrative settlements, the new and supplemental professional agreements report, and the financial statement.

1) Speed Zone Changes by City Ordinance. The Department has authority to determine the reasonable and safe speed limits on the state highway system based on engineering and traffic investigations. However, in 1997 legislation was enacted empowering incorporated cities to set speed limits for those sections of the state highway system within their jurisdiction that are not classified as an interstate or a full controlled access highway. ITD staff performs annual follow-up engineering and traffic investigations in areas where the speed limit was established by city action and varied from the Department's recommendations. Statewide, 14 cities have imposed speed limit changes that have gone against ITD's recommendations.

Before the speed limits were decreased, 25% of drivers were traveling at speeds 5 miles per hour (mph) or more above the posted speed limit. Motorists were exceeding the

posted speed limit by an average of 3 mph. Follow-up studies were performed to investigate the consequences of the city-imposed speed limits. These findings revealed that 81% of drivers were traveling at speeds 5 mph or more above the posted speed limit, and drivers were now exceeding the posted limit by an average of 7 mph.

Based on the limited data available in comparing city-imposed speed limits to speed limits established according to engineering and traffic investigations, the results of these studies indicate that drivers continue traveling at speeds they consider reasonable, prudent, and safe. However, it appears that vehicle speeds have decreased in most cases in response to the city-imposed speed limits, but the percentage of vehicles exceeding the speed limit have increased.

2) Quarterly Administrative Settlements. During the quarterly period from July 1 through September 30, staff processed 37 parcels. Of these, 19 parcels, or 51%, had administrative settlements.

3) New and Supplemental Professional Agreements Report. Between September 7 and 29, the Consultant Administration Unit processed \$1,374,944 in new and supplemental agreements.

4) Financial Statement. The federal aid revenue was \$11 million under the forecast for August while the Highway Distribution Account revenue was about \$2.2 million below projections. Aviation fuel tax revenues were above expectations by approximately 23%. Expenditures were below expectations in all categories.

Board Items. Member Sweeney believes there is a misconception amongst some truck drivers that ITD charges a restoration or maintenance fee for using the runaway truck ramps, and that some truckers have not used the ramps because of this misconception. District 2 has erected signs stating that there is no fine for the use of the runaway ramps. He asked if this is a common misunderstanding throughout the state and if similar signs should be installed at all runaway ramp locations.

Vice Chairman Combo suggested discussing this issue with the Motor Carrier Advisory Committee at the joint meeting planned in December. Chairman Winder also asked staff

to review the sign language and consider wording to the effect “no restitution fee” for clarification, as there are other costs associated with using the ramps.

SB Higgins reported that the Board minute entries regarding new and supplemental professional agreements are incorrect for an extensive time period. The agenda items have included language detailing each supplemental agreement for the reporting period followed by a total for all new agreements. When preparing the minutes, SB Higgins added the totals for all of the supplemental agreements to the new agreement amount and recorded one grand total in the official minutes. She recently discovered that the new agreements amount in the agenda item already included the supplemental agreements, so the total for the supplemental agreements has been added twice in the figure presented in the minute entries.

The consensus of the Board was that this notification and minute entry is sufficient correction.

Member Miller relayed concerns District 5 has with utilities in the right-of-way. A company that was asked to move its utilities appeared uncooperative and unwilling to move the utilities in a timely manner. There was also an instance where the utilities were installed in an uneven line, weaving in and out of the Department’s right-of-way. It was suggested that the utility company provide the Department with a plan of where the utility will be installed.

CE Ross said the application for a permit to install utilities on ITD right-of-way usually includes a plan of where the utility will be placed and the depth. Staff reviews the plan and if it is acceptable, a permit is authorized. He added that staff seldom verifies the exact location of the installed utilities, however, the permit could be modified to include that either ITD or a third party will monitor the installation and ensure the utilities’ location. Under current policy, if utilities need to be moved, the utility company is responsible for moving them if they are located on ITD right-of-way. CE Ross also stated that the installation of fiber optics is more critical and will be monitored closer.

Member Blick asked if the Department has recourse if the company does not move its utilities in a timely manner. CE Ross said the Public Utilities Commission is contacted, but staff tries to provide sufficient time for the relocation of utilities. The consensus of

the Board was to have staff review the current permit process and consider appropriate revisions to address these concerns.

Chairman Winder said he received a letter from the City of Payette requesting that consideration be given to water flow and flooding concerns along US-95 near the Payette River in the design of the project to replace the northbound bridge over the Payette River. CE Ross responded that staff is aware of these concerns and will review the need for flood control.

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Director's Items. On October 17, Director Bower attended the dedication ceremony for the Stanley Airport acquisition. Governor Kempthorne and Chairman Winder were some of the speakers at the program and Vice Chairman Combo was also in attendance. Director Bower thought the program was very well done and there was a lot of support from the community.

Director Bower, CE Ross, and representatives from Ada County Highway District (ACHD) met recently with developer Larry Durkin. A call center is being planned near I-84 and 10 Mile Road in Ada County, along with other residential and business developments. Mr. Durkin is interested in partnering with ITD for the construction of an interchange at that location. The proposal is preliminary and there are no cost estimates at this time.

Director Bower summarized the appropriations bill. Although President Clinton had not signed the bill yet, he is expected to sign it. The revenue aligned budget authority portion is \$3 billion nationally, which is double last year's amount. Idaho's portion will be approximately \$20 million, which should enable ITD to fully fund the FY01 federal Program. The Department's top three federal lands projects, the Clark Fork River Bridge, the City of Rocks, and the Teton Trail Pass Stage 3, received earmark funding, although not in the fully requested amount. An intelligent transportation system project in Moscow received funding, and over \$3 million was received for public transportation purposes. Interstate maintenance discretionary funds were sought for the I-15, Deep Creek to Utah State Line project. Although no earmarks were received in this program, the appropriations bill included \$13.5 million for this project in a new category for miscellaneous highways. No match is required for this Program and the funds are available until they are expended. Idaho will also receive approximately \$26 million in Emergency Relief (ER) funds, which should fund the rest of the state's ER projects. Lastly, Director Bower reported that \$1.9 million was authorized for US-95 in the Corridor Border Program, which was well below the requested \$12 million. Director

Bower expressed appreciation to Idaho's Congressional Delegation, as well as a number of ITD employees, who worked hard on the appropriations bill. Staff researched projects and provided a lot of information to the Congressional Delegation, and he was pleased with the outcome.

The Board also expressed appreciation to Director Bower and staff for the work and efforts on the federal appropriations bill. Vice Chairman Combo expressed concern with the large number of earmarks in the bill and suggested this be a topic for discussion, along with reauthorization, at the Board's planning session.

Director Bower was pleased to report that the Welles case was dismissed. Member Sweeney expressed concern with the legal fees on this lawsuit. Director Bower responded that the total cost was just under \$200,000.

Aeronautics Administrator Bart Welsh has announced his retirement, effective October 31. Director Bower said an acting administrator will be appointed during the search for and hiring of a permanent administrator.

A meeting has been scheduled next week with the Governor's Office and the Department of Lands to discuss the proposed WestRock development near Cascade. Director Bower said ITD will be represented at the meeting. If the resort is approved, SH-55 will need approximately \$16 million in additional improvements to handle the projected traffic. The Department is recommending that the Land Board require the developer to fund these improvements.

Director Bower met with the State Treasurer earlier this week to discuss the American Trucking Association lawsuit settlement. He assured Treasurer Crane that funding is secured to pay the settlement and meet the Department's obligations.

Claim on SH-21, Lowman to Banner Summit, District 3. Kloepper, Inc. has appealed the Chief Engineer's decision on a claim arising from additional scrub coating on the SH-21, Lowman to Banner Summit project. CE Ross offered to settle the claim with an additional payment of \$25,334.18, but the contractor rejected the offer and is seeking an

additional payment of \$95,919.47. The contractor has declined using a Dispute Resolution Board.

Vice Chairman Combo made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, Kloepper, Inc. has filed an appeal of the Chief Engineer's decision on contract number 6157, key 6678; and

TB00-81

WHEREAS, the Idaho Transportation Department has been unable to reach a settlement with Kloepper, Inc. on the claim; and

WHEREAS, ITD Standard Specification authorizes that the dispute be resolved by binding arbitration using the American Arbitration Construction Rules.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board authorizes the Chief Engineer to enter into a binding arbitration agreement to resolve this matter.

Contract Award. The low bid on BROS-1500(101) and BROS-1500(100), keys 5165 and 5164 – Blackfoot River Bridge and Tincup Creek Bridge, Caribou County, District 5, was more than ten percent over the engineer's estimate, requiring justification. The engineer's estimate was based on the Estimator Software Average Unit Bid Price on several items and previous bid histories on specialty items. The major price variations were with the Concrete Class 27.5 AF Sch. No. 2, prestressed stringers, furnish and drive piling, furnish and drive shell pile, and mobilization, reflecting a busy, upcoming construction season for the bidders. Additionally, staff believes the remote location of each bridge caused higher bids. The engineer's estimate did not reflect the remoteness of the bridges with respect to the nearest commercial batch plant and stringer manufacturers, which results in an extended haul to the construction site.

The District and Caribou County do not believe there is a potential savings from re-advertising and the delay effects would be counterproductive. Caribou County has

agreed to pay the excess costs associated with the low bid, per the cooperative agreement for the projects. Therefore, staff recommends awarding the bid.

Member Sweeney made a motion to award the bid for projects BROS-1500(101) and BROS-1500(100), keys 5165 and 5164, to the low bidder: Cannon Builders, Inc., Blackfoot, Idaho - \$494,029.25. Member Blick seconded the motion and it passed unanimously.

The low bid on STP-0900(115), key 7619 – Dover to Sandpoint, Bonner County, District 1, was also more than ten percent over the engineer's estimate. The engineer's estimate was developed using the Average Unit Bid Price Report combined with an Abstract of Bid from similar projects. The major difference between the engineer's estimate and the low bidder was in the mobilization, according to CE Ross. The project is important to the District and the Sandpoint area. Because the locals have agreed to fund their portion of the match and staff does not believe re-bidding the project would provide any substantial cost savings, it was recommended to award the project.

Member McClure made a motion to award the bid for project STP-0900(115), key 7619 to the low bidder: Interstate Concrete & Asphalt Company, Sandpoint, Idaho - \$209,916.13. Member Miller seconded the motion and it passed unopposed.

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Presentation on Architectural Feasibility Study and Master Plan for ITD Headquarters. Facilities Manager Dave Brown said the Headquarters' facilities were studied because it is desired to bring the Right-of-Way and Bridge Section employees back on campus and relinquish the existing lease on the office space housing them. Also, the Division of Public Transportation and Office of Highway Safety should have permanent offices instead of the modular units, and space is needed for a training center.

Mr. Brown introduced Roxane Mitro, the consultant with Alderson, Karst & Mitro Architects, PA, who conducted the feasibility study and master plan for Headquarters. She provided additional background on the study and outlined the recommendations. Space is available west of the existing Operations Annex for an additional building to house the Division of Highways. This will consolidate the Division, resulting in increased efficiencies. This building would also be a logical location for the training center. The Bureau of Communications has vacated space in the building at the southwest corner of the complex, which would be an ideal location for the mailroom and

storage. These changes would free up space in the main Headquarters building for the Division of Public Transportation and Office of Highway Safety.

Ms. Mitro also reported that the District 6 Office facilities are being reviewed too. Plans are being developed to make the building compliant with the Americans with Disabilities Act (ADA) and a draft should be available in a couple of weeks.

Vice Chairman Combo thanked Ms. Mitro for the update on District 6, as the ADA compliant issue has been a concern for some time. Member Blick asked for a study of all of the District offices to ensure necessary upgrades are scheduled and that the Department has an overall plan for its facilities.

Director Bower added that Ms. Mitro's presentation was to inform the Board of the study. The next step will be to design the new building adjoining the existing annex and remodel part of the former Bureau of Communications site. The existing mailroom is a safety concern because vehicles access the office several times a day and that entry is near picnic tables and an area that employees utilize for breaks. He also stated that ACHD has plans in the distant future to extend Rose Street, which could change the main entrance to the complex. Consideration will be given to moving the Division of Motor Vehicles near that entrance in the future because of the need for easy public access to that Division and the desire to have it on the exterior of the campus.

Chairman Winder thanked Mr. Brown and Ms. Mitro for the informative presentation.

Delegation – Public Transit Providers and Users in District 6. Donovan Harrington, Teton Stage Lines, thanked the Board for its time and summarized the public transportation services provided by his company, including school bus and charter services. He relayed the difficulty of competing with a subsidized company like Community and Rural Transit, Inc. (CART). Also, there have been two incidents where higher education has traveled out of state to pick up athletic teams competing at their respective campuses. He believes these institutions should have hired a public transportation provider for these services. He asked for clarification on ITD's authority and who has responsibility to enforce the public transportation regulations.

Chairman Winder responded that the Department has no regulatory authority. ITD coordinates and facilitates public transportation grants for the state's providers. Mr. Harrington believes the Board has authority because it provides funding. Chairman Winder said staff will be asked to provide information to the Board on this, and he thanked Mr. Harrington for his comments.

CART representative Don Thorp expressed his appreciation to the Board for the Vehicle Investment Program (VIP). He believes this program has been very beneficial, especially to rural communities, and thanked the Board for the successful program. He stated that CART is not in the business to make money, but to provide a needed service to the area's citizens. Mr. Thorp also invited Grants Officer Butch Ragsdale and other Division of Public Transportation staff members into his office to discuss and review the services CART provides.

Chairman Winder thanked Mr. Thorp for his remarks. He also expressed appreciation for the valuable service CART provides and for Mr. Thorp's willingness to work with staff to address the concerns expressed earlier.

Bill Larson, Consortium of Idahoans with Disabilities, does not believe the public transportation system in Idaho is adequate to address the needs of its citizens. Employment opportunities for a lot of people are not the regular 8AM to 5 PM schedule, which creates problems for those dependent on public transportation. Outside of Boise, very few route buses are available, according to Mr. Larson, and there is a lack of public transit services for the disabled. In conclusion, he stated his belief that there is a lack of public participation in the decision-making process. The disabled and elderly do not have a voice on the Interagency Working Group, but this segment of population has needs that the Group should be aware of.

Chairman Winder thanked Mr. Larson for his comments.

Living Independently for Everyone representative Denise Myler thanked the Board members for their time. She also thanked the Board for the VIP, which has been very valuable, and encouraged the continuance of the program. She also stressed the importance of seeking other funding sources. A funding mechanism for regional public transportation authorities needs to be developed, especially as more authorities are established throughout the state. She elaborated on the jobs access grant and commuter

choice programs. Ms. Myler encouraged ITD to be more proactive in promoting alternative transportation and providing incentives for its employees in this arena. She concluded by stating that she is the legislative liaison for Community Transit Association of Idaho and is looking forward to continuing work to preserve and expand public transportation in the state.

Chairman Winder thanked Ms. Myler for her presentation and for her statewide efforts to promote public transportation.

Tom Price with Rocky Mountain Trailways thanked ITD for the improvements it has made in the public transportation arena and for the assistance and cooperation staff has provided. Rocky Mountain Trailways is a for-profit company that provides charter service and tours. He echoed some of Mr. Harrington's concerns on the difficulty of competing with CART and that higher education should not be providing public transportation services.

Mr. Ragsdale said that charter services are under federal regulations. CART is in compliance with the Federal Motor Carrier and has been authorized to travel outside of Idaho. He also stated that if CART bids on a public transportation contract, it cannot figure the federal money it receives into the bid. It has to base its bid on actual costs without any subsidy. Mr. Ragsdale also stated that the Division of Public Transportation conducts sight reviews on public transit providers on a regular basis, and CART is scheduled for a review in the next couple of months. The issues raised today will be reviewed.

Chairman Winder thanked Messrs. Price and Ragsdale for the information they provided and asked staff for a follow-up presentation. He added that the Board realizes the important role public transportation plays and will continue its focus on this mode of transportation. He was also pleased to report that Idaho received approximately \$3 million in federal earmarks for public transportation in the recent appropriations bill.

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(b) and (f), Idaho Code. Member McClure made a motion, seconded by Member Miller, to meet in executive session at 11:10 AM to discuss personnel and pending litigation issues. The motion passed unanimously.

The Board came out of executive session at 11:35 AM to recess for lunch.

The Board resumed its executive session on personnel and legal matters at 12:40 PM. The Board came out of executive session at 12:55 PM. No decisions were made.

Delegation – Greater Yellowstone-Teton Clean Cities Coalition (GYTCC). City of Idaho Falls Council Member Mary Klingler welcomed the Board to Idaho Falls. She introduced consultant Jon Lear, who has been assisting the Coalition on its project. GYTCC is a regionally-based group of public and private sector interests located in and near Yellowstone and Grand Teton National Parks. Its purpose is to increase awareness of and the use of alternative fuels and alternative fuel vehicles in the area to help reduce pollution. Domestic sources are being researched for the alternative fuels and this movement is both an economical and an environmental effort. Mr. Lear said a number of fueling stations are planned throughout the area the next several years, starting with sites in Idaho Falls and Jackson. These sites will have compressed natural gas (CNG) or liquefied CNG facilities.

The Coalition applied for funding through the Congestion Mitigation/Air Quality (CMAQ) Program, however the project did not rate high enough and the Technical Review Committee did not recommend funding it. Mr. Lear encouraged the Board to fund alternative fuels projects in this Program. He added that the Coalition will also seek CMAQ funds from Montana and Wyoming.

Basil Barna, Idaho National Engineering and Environmental Laboratory (INEEL), also spoke in support of this project. The Consortium, consisting of ITD, FHWA, INEEL, and the University of Idaho, has been working on alternative fuels projects for a number of years.

Member Sweeney asked if the oil industry opposes this project. Mr. Lear responded that it has not fought alternative fuel efforts. Natural gas is part of the oil industry and it responds to the market demands. It is involved in alternative fuel projects, however, the project in the Yellowstone-Teton Parks area is not a high priority for the industry.

Member McClure questioned the states' funding mechanism for alternative fuels and if there are provisions to tax the fuel similar to the current gasoline and diesel fuel tax structure. Mr. Lear said that funding mechanisms are already in place. There is a 6% per gallon federal tax on natural gas. He does not believe a strong tax should be in effect initially, but as more vehicles switch to alternative fuels and the market is sustainable, then the tax could be increased.

Chairman Winder thanked the Coalition members for the informative presentation.

Executive Session on Personnel Issues, Section 67-2345(1)(b), Idaho Code. Member Sweeney made a motion, seconded by Member McClure, to meet in executive session at 1:30 PM to discuss personnel issues. The motion passed unanimously.

The Board came out of executive session at 2 PM. No decisions were made.

New Business. CE Ross was pleased to announce the promotion of Tom Cole to the District 6 Engineer position.

Meeting with Idaho State Police (ISP). The Board departed the City Electric Building and stopped at the ISP Office in Idaho Falls. Captain Patrick McDonald thanked the Department for including ISP in the traffic safety project. He complimented Director Bower and CE Ross for developing the Engineering, Education, and Enforcement (3E) Project. The project in District 6 to install rumble strips on I-15 to prevent drowsy drivers from leaving the pavement appears to be successful. He believes over time the rumble strips will make a big difference in preventing accidents. Captain McDonald said that excessive speed is a problem, especially on I-15.

In response to Chairman Winder's question on other assistance the Department can provide, Captain McDonald said more funding is needed. ISP plans to apply for more grants. The next area of focus for the Idaho Falls office will be US-26 in the vicinity of the INEEL site. He added that another area of emphasis is child restraints.

Member Sweeney asked if ISP anticipates an increase in traffic during the 2002 Olympics in Utah. Captain McDonald said he is expecting additional traffic at that time and has asked his officers not to take leave time then. In conclusion, he thanked the Board members for their time and expressed appreciation for the excellent relationship his office has established with the ITD District 6 Office.

Chairman Winder thanked Captain McDonald for his remarks and for his efforts in law enforcement.

Tour – Idaho Falls Maintenance Shed. Facilities Manager Dave Brown elaborated on the newly-installed security system at the maintenance yard. The same log-in system will be installed at the other Districts. The new system is very efficient and will pay for itself soon. The Board also viewed the newly-constructed maintenance shed.

Tour – Pacific Fighters. The Board traveled to Pacific Fighters where owner John Muszala elaborated on its business of restoring fighter planes. The company has won several national awards for its restoration work. The Board thanked Mr. Muszala for the tour of the facilities and congratulated him on the company's success.

Delegation – Fanning Field Airport Manager Mike Humberd. Mr. Humberd summarized the activities and growth occurring at the Idaho Falls airport. He outlined the improvements planned the next several years, including an extensive remodel of the terminal, rehabilitation of the short runway, and improvements to the ramp to accommodate more general aviation. In conclusion, he expressed his pleasure with the AIR-21 bill and said the increased funding has been very beneficial.

WHEREUPON, the regular monthly Board meeting officially adjourned at 4 PM.

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

November 16, 2000

Boise, Idaho